

September 28, 2010

Ms. Peg Robinson
Acting Development Services Group Leader
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707

Re: Easements in Lot 11, Block 50, Town of Garrett Park, in connection with
Construction of Garrett Park Elementary School

Dear Ms. Robinson,

This letter is to confirm that the Town of Garrett Park, as fee simple owner of Lot 11, Block 50, agrees that, by December 31, 2010, it will grant to Montgomery County Public Schools a private easement across Lot 11, Block 50 for the construction and maintenance of MCPS' private water, sewer and other required utilities.

Additionally, subject to the following conditions, as the fee simple owner of Lot 11, Block 50, the Town of Garrett Park will, on or before December 31, 2010, grant to WSSC a non-exclusive easement twenty (20') feet in width along and contiguous with the north property line of Lot 11 for the continued operation and maintenance of the existing WSSC portion of the sanitary sewer within Lot 11. The easement shall specifically state the following:

Condition 1: WSSC will provide the Town of Garrett Park with signed plans and specifications for any work that WSSC and/or its contractors propose to perform in Lot 11, Block 50 at least ninety (90) days prior to any such proposed work.

Condition 2: At least sixty (60) days prior to any activity that may affect trees both within the easement area and within 30 feet from same, WSSC shall provide to the Town of Garrett Park a certified arborist's report showing how and by what measures the trees are to be protected from harm.

Condition 3: WSSC and/or its contractors shall not conduct any work within or adjacent to the WSSC easement area that will in any fashion affect trees without first having obtained written agreement from the Town of Garrett Park.

Condition 4: For any future modifications, replacements or reconstruction, WSSC and its contractors shall employ non-destructive technologies, i.e., technologies that do not require open excavation, in the repair and maintenance of the existing public sewer in Lot 11.

Condition 5: If the WSSC or its contractors damage or kill a tree, the WSSC shall pay all costs of remediation, including but not limited to removal and replacement of a damaged tree.

Christopher W. Keller
Mayor